

*REMARKS/ARGUMENTS*

The amendments set out above and the following remarks are responsive to the points raised in the Office Action dated February 26, 2009 and discussed during the interview with Examiners Lewis and Ross on June 11, 2009. In view of the amendments set out above and the following remarks, reconsideration is respectfully requested.

As an initial point, the Applicant's representative greatly appreciates the courtesy shown her by Examiners Lewis and Ross, and further appreciates their careful consideration of the arguments presented during the interview.

*The Pending Claims*

Claims 1-17 are pending. Claim 17 is amended to describe the invention more clearly. No new matter is added, and support for the amended claim language may be found within the original specification, claims, and drawings. Support for claim 17 may be found, e.g., in the specification at paragraph [0029].

*The Office Action*

Claims 1-4, 6, 10-12 and 16 were rejected under 35 U.S.C. § 103 as unpatentable over U.S. Patent Application Publication No. 2004/0136774 to O'Boyle (hereinafter, "O'Boyle") in view of U.S. Patent Application Publication No. 2003/0030269 to Hernandez (hereinafter, "Hernandez") and further in view of U.S. Patent No. 4,932,520 to Ciarcia et al. (hereinafter, "Ciarcia").

Claims 5 and 15 were rejected under § 103 as unpatentable over O'Boyle in view of Hernandez and further in view of Ciarcia and U.S. Patent No. 5,651,628 to Bankes et al. (hereinafter, "Bankes").

Claim 7 was rejected under § 103 as unpatentable over O'Boyle in view of Hernandez and further in view of Ciarcia and U.S. Patent Application Publication No. 2002/0089166 to Schwartz (hereinafter, "Schwartz").

Claims 8-9 and 13-14 were rejected under § 103 as unpatentable over O'Boyle in view of Hernandez and further in view of Ciarcia and U.S. Patent Application Publication No. 2004/0253046 to Africa (hereinafter, "Africa").

Each of these rejections is separately and respectfully traversed.

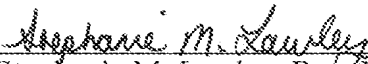
Amended claim 17 recites that the elastic band is adapted to be pulled over corners of the superimposed inner separation sheets so that the separation sheets are adapted to secure notebook pages between the separation sheets and notebook pages attached to the binder are available for use.

None of the cited references teaches or suggests a filing notebook including an elastic band that is adapted to be pulled over corners of the superimposed inner separation sheets so that the separation sheets are adapted to secure notebook pages between the separation sheets and notebook pages attached to the binder are available for use, as claimed in claim 17. In addition, this claimed feature would not be obvious to one of ordinary skill in the art.

The filing notebook of claim 17 advantageously solves the problem of providing a fast and convenient place to store loose papers, i.e., between the separation sheets that are secured by the elastic band, and at the same time allowing the user to write on the notebook pages that are still secured to the binder.

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

  
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Amendment or ROA - Regular (SML/mlg)